

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MAKE THE ROAD NEW YORK,)	
ET AL.,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:19-cv-07993
)	
CUCCINELLI, ET AL.,)	
)	
Defendants.)	
)	

NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE AMICUS BRIEF

PLEASE TAKE NOTICE that (i) certain deans of schools of public health, public policy, medicine, and nursing, as well as academic chairs and faculty researchers (the “Deans, Chairs, and Scholars”); (ii) the American Public Health Association (“APHA”); and (iii) the American Academy of Nursing (the “Academy”) (collectively “*Amici*”) respectfully seek leave to file the accompanying brief as *amici curiae* in support of Plaintiffs’ position.

The Deans, Chairs, and Scholars are individuals who are recognized among the nation's leading figures in the field of health policy and public health. *Amici* possess particular expertise on health determinants, methods for lowering barriers to effective health care services, and the broader public health consequences of governmental policies.

The APHA, an organization of nearly 25,000 public health professionals, supports policies and programs that increase and improve access to health, nutrition, and housing services for the nation's most vulnerable populations, and shares the latest research and information, promotes best practices, and advocates for evidence-based public health policies.

The Academy serves the public and the nursing profession by advancing health policy, practice, and science through organizational excellence and effective nursing leadership. The Academy's more than 2,600 Fellows are nursing's most accomplished leaders in education, management, practice, research, and policy. They have been recognized for their extraordinary contributions to nursing and healthcare.

Because there is no rule in the Local Rules for the U.S. District Court for the Southern District of New York, this Court has “broad discretion” to accept amicus briefs. *See City of New York v. United States*, 971 F. Supp. 789, 791 n.3. (S.D.N.Y. 1997), *aff’d* 179 F.3d 29 (2d Cir. 1999). *Amici* seek to inform the Court about the public health impact of the “Public Charge” Rule and believe this case provides an appropriate vehicle for the Court to find that Defendants’ approval of the Rule and their intention to implement the Rule are contrary to federal law and detrimental to public health.

Plaintiffs and defendants have indicated that they do not oppose filing of this brief.

CONCLUSION

For the foregoing reasons, *Amici’s* motion for leave to file the attached *amicus* brief should be granted.

Respectfully submitted,

DATED: September 10, 2019

/s/ Edward T. Waters

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CERTIFICATE OF SERVICE

I certify that, on this 10th day of September, 2019, I caused the foregoing Notice of Motion and Motion for Leave to File Amicus Brief of Edward T. Waters to be served on all counsel of record using this Court's CM/ECF system.

/s/ Edward T. Waters
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